

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN DOE,

Plaintiff,

V.

KARL KUHN,

**Defendant.**

) ) ) ) ) ) ) ) )

**Case No. 7:23-cv-209**

**By: Michael F. Urbanski**  
**Chief United States District Judge**

## ORDER

This matter is before the court on defendant Karl Kuhn's motion for in camera review and permission to produce an Employment Separation Agreement between Radford University and defendant Karl Kuhn. Mot., ECF No. 13. Defendant's motion for in camera review is well taken and is **GRANTED**.

The court has reviewed in camera the Employment Separation Agreement provided by defendant and notes that it contains a mutual confidentiality provision. Defendant asserts that he believes that this provision precludes him from producing the document in this litigation. Id. at ¶ 4.

Should the Employment Separation Agreement be requested in discovery in this case by plaintiff, defendant is **ORDERED** to produce the document to plaintiff subject to the following Protective Order provisions:

1. The Employment Separation Agreement may be used by plaintiff or plaintiff's counsel for the purposes of this case only and may not be used for any other purpose.

2. The Employment Separation Agreement may not be disclosed to any third party.
3. If it is necessary to file the Employment Separation Agreement with any pleading in this case, the parties must take care to file it **UNDER SEAL**.
4. Following conclusion of the lawsuit, plaintiff and plaintiff's counsel must destroy all copies of the Employment Separation Agreement or return them to counsel for defendant.

It is **SO ORDERED**.

Entered: July 6, 2023



Digitally signed by  
Michael F. Urbanski  
Chief U.S. District Judge  
Date: 2023.07.06 15:42:37  
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Michael F. Urbanski  
Chief United States District Judge